

**2006 Annual Illinois Judicial Conference
Thursday, October 19, 2006
9:30 a.m.
Hilton Suites Chicago Magnificent Mile
Chicago, IL
Honorable Robert R. Thomas, Chief Justice**

Good morning. It is my pleasure to welcome all of you to the 2006 Annual Meeting of the Illinois Judicial Conference.

On behalf of my colleagues on the Illinois Supreme Court, let me begin by thanking all of you for your presence here today, and for all of your hard work during the previous year.

A judge's day is full enough. Preparation for the morning status call; contested motion hearings; trials that last into the evening; pretrial conferences and settlement mediation tucked in between. Order drafting. The mornings are often early, and the evenings are often late.

The fact that all of you have chosen to assume additional responsibilities in the form of Judicial Conference Committee assignments is a testament to your devotion to the law, and to the fair, orderly, and efficient administration of justice in this State. The work of the Committees is indispensable to both the maintenance and the progress of the judicial branch, and your commitment to something greater than yourselves is to be commended.

I am pleased today to be joined by my colleagues from the Illinois Supreme Court, as well as by several former members of our Court.

Let me make some introductions.

Former justices of the Illinois Supreme Court include:

- Justice Mary Ann McMorrow of the First District
- And Justice John Nickels of the Second District

Welcome to both of you, and thank you for your continued service to the Illinois bench.

Many members of the current court are here, as well.

- From the First District, Justices Charles Freeman, Tom Fitzgerald, and our newest addition, Justice Anne Burke
- From the Third District, Justice Tom Kilbride
- And from the Fourth District, Justice Rita Garman

And lastly, I would like to recognize Cynthia Cobbs, Director of the AOIC. The Administrative Office is instrumental in coordinating and facilitating the work of our various Conference committees. Today's event would not have been possible without the tireless efforts of Cynthia and her staff. We owe all of them our gratitude, and a round of applause.

So why are we here today? The simple answer is that we have no choice.

Like the State of the Union address, the annual Judicial Conference is constitutionally mandated.

Specifically, by Article 6, § 17, which provides that “the Supreme Court shall provide by rule for an annual judicial conference to consider the work of the courts and to suggest improvements in the administration of justice.”

But the real answer is that we have a duty to be here, and I am confident that conferences such as these would occur even without a constitutional mandate.

The annual Judicial Conference reminds us that the judiciary is, indeed, a coequal branch of government, and that as such, we are charged not only with deciding individual cases, but also with managing and administering the system in which those decisions are made. Like it or not, the judiciary is also a bureaucracy, and the purpose of the Conference committees is to ensure that bureaucracy operates as fairly and efficiently as possible, so that justice may always be done.

In Federalist 78, Hamilton reminds us all too clearly that the judiciary is in many ways the weakest of the three branches. According to Hamilton:

“The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.”

So what does that have to do with the Conference? It reminds us that the judiciary’s strength lies not in the power of the sword, nor in the power of the purse. Rather, it lies in the power of our *judgments*. If our judgments are just and persuasive, we will have earned the respect of the other two branches. If our judgments are suspect or inconsistent, we have nothing else to fall back on and our influence will diminish.

So consider again the constitutional mandate: “to consider the work of the courts and to suggest improvements in the administration of justice.” Essentially, this is a compulsory self-evaluation. How have we been doing, and how can we improve? A little self-evaluation is always a good thing.

Over the past few years, the Illinois Supreme Court has taken active and high-profile measures to ensure that the attorneys of this State are serving the judicial system effectively and with a high degree of professionalism.

As you all know, the Illinois Supreme Court recently enacted rules establishing minimum continuing legal education requirements.

As stated in the MCLE preamble, the purpose of these rules is “to assure that those attorneys licensed to practice law in Illinois remain current regarding the requisite knowledge and skills necessary to fulfill the professional responsibilities and obligations of their respective practices and thereby improve the standards of the profession in general.” I think we can all agree that this is a worthy goal. At the same time, the Court created the Supreme Court Commission on Professionalism.

The Commission’s creation reflects the Illinois Supreme Court’s commitment to elevating the overall level of professionalism within the Illinois legal community, as well as to identifying and addressing the sources of incivility and acrimony within the profession.

The Commission’s goal is to create a forum in which lawyers, judges and legal educators can explore the meaning and aspirations of professionalism in contemporary legal practice. To this end, the Commission will play an integral role in the new CLE program by directing the professionalism component of that program. These two programs focus on the attorney side of the court system.

The purpose of today’s Conference is to turn our focus inward, on the judicial side of the system.

Just as the lawyers who practice before us can take affirmative steps to ensure that the representation they provide is the best it can be, we as judges can take affirmative steps to ensure that the system these lawyers serve is the best it can be.

In planning for this year’s Conference, the Supreme Court assigned particular projects and initiatives to each of the seven Judicial Conference Committees.

Our goal was to shift the committees’ focus from problem identification to problem solving, from identifying the need for a solution to formulating that solution in concrete terms.

And on this score, I believe we have been successful.

This afternoon, you will here detailed reports from each of the seven committees, and these reports will address a wide range of issues and initiatives, including:

- the development of a training curriculum for mandatory arbitration personnel;
- the effectiveness of “problem-solving courts” in the management of criminal prosecutions, most especially in relation to drug cases and juvenile justice;
- the protection of courthouse technology and electronic data in the event of a disaster;
- the need for and scope of confidentiality in juvenile delinquency, abuse, neglect, and dependency cases;
- the creation of a Supreme Court Rule governing the prompt and mandatory disclosure of relevant documents in civil litigation;

- a program to enhance the identification, recruitment, and training of judicial education faculty;
- the need for uniform and comprehensive judicial reference documents, including both bench books and self-study materials.

In addition, the Court has increased the continuing education requirement for Illinois judges. Beginning in 2008, the judges of this state—like the lawyers of this State—will be required to complete 30 hours of approved course work every two years.

The burden is not onerous. And I think we can all agree that it is one worth bearing. Whether it is required or not, each of us owes a duty both to the profession and to the public to ensure that we never rest on our laurels, but instead continue to educate and improve ourselves as lawyers and jurists.

The work we will do here today is important, and reflects an extraordinary amount of study, debate and attention. But, it is only a reflection of the very important work that was done over the last twelve months, and only a hint of the great things that are to come.

The next twelve months will indeed bring challenges, and I look forward to working with Director Cobbs and all of the Committees to ensure that the quality and efficiency of justice in this state is always improving.

Your presence here today speaks to your commitment. In return, I promise that the Court will make available whatever resources are within its power to provide, to ensure your work can be performed as thoroughly and as efficiently as possible.

Now I know that, in past years, the Committee Chairs have put out the word that anyone who asks a question during the plenary session risks a swift and painful death. That changes this year. Just as we have tasked the committees with specific projects and initiatives, we now task the audience with a simple directive: Listen critically, and ask a lot of questions.

This conference should not be an empty exercise in speech-making and report giving. It should be a dynamic exchange of ideas and information. Each of us brings to this gathering a valuable perspective, shaped by our unique experiences as judges.

Even if you do not serve on the committee in question, that does not mean that you have nothing to contribute. Many of these topics cut across disciplines and will potentially impact every courtroom in Illinois. Each of us owes a duty both to our colleagues and to the public, to ensure that the best possible policy is reached, and that every argument is given full and fair consideration.

In years past, the plenary session has been a series of monologues. This year, let's make it one continuous dialogue.

We have a very full day ahead of us and I look forward to reviewing the Committee reports.

As I said last year on this occasion, in this room is the future of the Illinois judiciary. You are its leaders, and the work you do here today and in the months ahead will shape the justice system

for years to come.

Once again, on behalf of the entire Supreme Court, thank you for your attendance today and for all of your efforts, both in years past and in years to come. Enjoy your day.